

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

June 16, 2010

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman
Stephen McMaster, Vice-Chairman
Tonye Epps
Neil Bhatt
Rosario Carrera
Martin Maples
Jeffrey Adkins
Phyllis Randall

Board members not present: Penny Johnson
Rosario Carrera
Robert Ruais
Jim Ginnell

DPOR Staff present for all or part of the meeting included:

Gordon Dixon, Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Emily Trent, Administrative Assistant
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Aysan Sanchez, Fair Housing Investigator
Matt Vincent, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:05 **Call to Order**
A.M.

A motion was made by Mr. Maples and seconded by Mr. **Agenda**
Bhatt to approve the Agenda. The motion passed

unanimously. Members voting "Yes" were: Atkins, Bhatt, Epps, Maples, McMaster, Randall, Ruais and Rubinstein.

A motion was made by Mr. Bhatt and seconded by Mr. Maples to approve the April 14, 2010, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Atkins, Bhatt, Epps, Maples, McMaster, Randall, Ruais and Rubinstein.

There was no public comment.

Liz Hayes updated the Board on the current investigative case load.

In the matter of **FHB File Number 2010-02210, Michelle Busby v. Nancy Hawkins, Fred Karim, Fore Mallside Forest, LP, Fore Property Company, and Fore Woods Edge, LLLP**, the Board deferred the matter to the July 28, 2010, Board meeting.

In the matter of **FHB File Number 2010-04077, Lorelei Brossart v. Colonial Heritage Homeowners Association, Inc. and Colonial Heritage Homeowners Association, Inc. Board of Directors**, the Board deferred the matter to the July 28, 2010, Board meeting.

In the matter of **FHB File Number 2010-02656, Mary Linkous v. Monica Duncan and Ridgewood Senior MCF-SCG, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Yoora Pak, attorney for respondents, appeared and addressed the Board. A motion was made by Mr. Maples and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Bhatt, Epps, Maples, McMaster, Randall, Ruais and Rubinstein.

In the matter of **FHB File Number 2010-03696, Joe Benton v. Culpepper I and II, Inc., Betty Boyd, Gloria**

Minutes

Public Comment

Fair Housing Administrator's Report

FHB File Number 2010-02210, Michelle Busby v. Nancy Hawkins, Fred Karim, Fore Mallside Forest, LP, Fore Property Company, and Fore Woods Edge, LLLP

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FHB File Number 2010-02656, Mary Linkous v. Monica Duncan and Ridgewood Senior MCF-SCG, LP

FHB File Number 2010-03696, Joe Benton v.

Capri, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report. Agnis Chakravorty, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Maples and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Bhatt, Epps, Maples, McMaster, Randall, Ruais and Rubinstein.

**Culpepper I and II, Inc.,
Betty Boyd, Gloria Capri**

In the matter of **FHB File Number 2010-02210, Jill Horvatis and Flamin Carolino v. Great Neck Condominium Association, Inc. Board of Directors and Continental Management Associates, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report. Agnis Chakravorty, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Maples and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Bhatt, Epps, Maples, McMaster, Randall, Ruais and Rubinstein.

FHB File Number 2010-02210, Jill Horvatis and Flamin Carolino v. Great Neck Condominium Association, Inc. Board of Directors and Continental Management Associates, Inc.

In the matter of **FHB File Number 2010-02317, Karen Gunter v. Central Virginia Housing Coalition and Mimi Moore**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Randall and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Atkins, Bhatt, Epps, Maples, Randall, Ruais and Rubinstein. Member voting "No" was: McMaster.

FHB File Number 2010-02317, Karen Gunter v. Central Virginia Housing Coalition and Mimi Moore

In the matter of **FHB File Number 2010-03029, Gracie Faulkner v. Jeffrey Barrow and Lynchburg Associates, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Bhatt and seconded by Ms. Randall to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Atkins, Bhatt, Epps, Maples, Randall, Ruais and Rubinstein. Member voting "No" was: McMaster.

FHB File Number 2010-03029, Gracie Faulkner v. Jeffrey Barrow and Lynchburg Associates, LLC

In the matter of **FHB File Number 2009-04398, Wanda Sanchez v. James Berry, and Estate of W. P. Beard, c/o Ray Beard**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. McMaster and seconded by Ms. Randall to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Atkins, Bhatt, Epps, Maples, McMaster, Randall, Ruais and Rubinstein.

FHB File Number 2009-04398, Wanda Sanchez v. James Berry, and Estate of W. P. Beard, c/o Ray Beard

The Board recessed from 12:02 p.m. to 12:18 p.m.

Break

In the matter of **FHB File Number 2009-04395, Jo Anne and John Womack v. James Berry, and Estate of W. P. Beard, c/o Ray Beard**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and Official Consultation Opinion from the Office of the Attorney General.

FHB File Number 2009-04395, Jo Anne and John Womack v. James Berry, and Estate of W. P. Beard, c/o Ray Beard

At 12:19 P.M., Mr. McMaster offered a motion which was seconded by Ms. Randall, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne and Liz Hayes.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

13. FHB File Number 2009-04395, Jo Anne and John Womack v. James Berry, and Estate of W. P. Beard, c/o Ray Beard

At 12:31 P.M., a motion was made by Ms. Randall and seconded by Mr. McMaster that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 7-0

AYES: Adkins, Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Carrera, Ginnell, Johnson and Ruais.

In the matter of **FHB File Number 2009-04395, Jo Anne and John Womack v. James Berry, and Estate of W. P. Beard, c/o Ray Beard**, A motion was made by Mr. Bhatt and seconded by Mr. Maples to find reasonable cause that the Respondents discriminated against Complainant by failing to make a reasonable accommodation based upon disability. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2009-04395, Jo Anne and John Womack v. James Berry, and Estate of W. P. Beard, c/o Ray Beard

A motion was made by Mr. McMaster and seconded by Mr. Atkins to find no reasonable cause that the Respondents discriminated against Complainant by refusing to rent, making discriminatory statements and discriminatory terms and conditions for rental based on race or national origin. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

In the matter of **FHB File Number 2010-02761, Donald and Verna Green v. Great Atlantic Management, Kasi Safley, and Bill Daughtry**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Adkins and seconded by Ms. Randall to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2010-02761, Donald and Verna Green v. Great Atlantic Management, Kasi Safley, and Bill Daughtry

In the matter of the **File Number 2010-03862, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Michael Reedy**, a motion was made by Mr. Bhatt and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, Randall and Rubinstein.

File Number 2010-03862, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Michael Reedy

Mr. McMaster did not vote or discuss the matter due to possible conflict of interest.

In the matter of the **File Number 2010-03261, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. John Robbins**, a motion was made by Mr. Bhatt and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, Randall and Rubinstein.

File Number 2010-03261, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. John Robbins

Mr. McMaster did not vote or discuss the matter due to possible conflict of interest.

In the matter of the **File Number 2010-01909, Jessica Massey v. COC, LLC and Bethany O'Neill**, a motion was made by Mr. Bhatt and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, Randall and Rubinstein.

File Number 2010-01909, Jessica Massey v. COC, LLC and Bethany O'Neill

Mr. McMaster did not vote or discuss the matter due to possible conflict of interest.

Ms. Martine presented the Board with a legislative update. **New Business**
No action was taken by the Board.

The Board adjourned at 12:55 p.m.

David B. Rubinstein, Chairman

Gordon Dixon, Secretary

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